

Town of Virgin
Planning and Zoning
FINAL December 12, 2022 Minutes

Commission

Cameron Spendlove-Chair
Bronwyn Wallace
Kent Peterson
Angelea Glazier
Wyatt Lee
Sean Amodt

Attendance

| | |
|--------------------|---------------|
| Krystal Percival | |
| Jeff Lee | Paul Gooch |
| Lenny Brinkerhoff | Allen Lee |
| Karin Brinkerhoff | Stan Burt |
| Jennifer Long | Becky Galvez |
| Hal Cannon | Darlene Pope |
| Teresa Jordan | Skyler McCaul |
| Justin Christensen | April Gates |
| Richard Kimball | Robin Clark |
| June Kimball | Anne Illien |
| Sim Kietzman | Kim Kietzman |
| Pat Galvez | |

1. WORK MEETING- 6:11PM

A. Discussion: an amended final plat for Observation Estates Subdivision

Sean Amodt talked about Observation Estates becoming a Short-Term Rental Subdivision.

B. 60.02 Short Term rental (STR) Purpose

Sean Amodt talked about his pros and cons for having Short-Term Rentals. He believes that we do not have a "zone" it's an overlay zone the developer would have to declare it during their process of creating a subdivision. Kent Peterson stated that he likes some of the changes that Sean Amodt has made. Wyatt Lee stated that he likes how Sean Amodt took out the "Zone" and made it a designation.

Kent Peterson suggested that we need to be fair to all parties, He feels that we need to talk about how the current neighbors would like to keep the neighborhoods and not allow short-term rentals.

Sean Amodt talked about how the Zions Edge subdivision included rules for the short-term rentals.

Sean Amodt suggested the Subdividers applying for the STR all at the same time when they are doing their CCRs and final Subdivision. Bronwyn Wallace stated that the short-term rental definitions don't work with our ordinances. She feels that short-term rentals are taking over. However, we are farming this out for developers. She stated that she feels there are so many more people that stay here in Virgin one night than that live in Virgin.

2. REGULAR MEETING- 6:37PM

a. Call to Order – Sean Amodt

b. Declaration of Conflict of Interest - Wyatt Lee has a conflict with Item G and will abstain

c. Review and possible approval of the draft minutes for November 2, 2022

Kent Peterson made Motion to table the minutes November 2, 2022, to January's meeting / Bronwyn Wallace seconded / Sean Amodt Nay, Wyatt Lee Nay, Bronwyn Wallace Aye, Kent Peterson Aye. (2/2 vote Motion fails)

Wyatt Lee motion to approve November 2, 2022, minutes / Bronwyn Wallace Second

– All Aye no Nay. Motion Pass

d. Commissioner Comments,

Bronwyn Wallace stated that she is working on several different items to bring to Planning and Zoning in the near future. Sean Amodt stated that we need to work on the lighting ordinance.

3. OPEN FORUM:

Limit 2 minutes per speaker, may talk about anything NOT on the agenda

– NO Comments

4. PUBLIC HEARING:

Motion to close the public meeting and open the public hearing

Wyatt Lee made motion, Kent Peterson seconded, All AYE / No Nay

OPEN PUBLIC HEARING: to allow public input on the following items:

- A. An ordinance amending and restating sections 2.12, 2.20, 2.22, 16.20 and 16.22 of Virgins uniform land use (VULU) ordinances regulation enforcement of the provisions of this code

No Public comment was made

- B. An ordinance amending Chapter 16.22 Standards for conditions by use
Reason for change:

Lenny Brinkerhoff asked where she could get a copy of the ordinance. She suggested that we should have paper copies of the ordinances.

- C. An ordinance amending 40.08, 34.04, 32.06 of Virgins uniform land use (VULU) ordinances

Reason for change:

Darlene Pope asked if Cameron could recap the changes for the public. Cameron Spendlove then went over the changes. Darlene Pope stated that her concern for 10 bedrooms for a short-term rental is excessive

Stan Burt stated that he moved to Virgin to escape where he lived before to get away from the short-term rental and the big city. He feels that the short-term rentals are becoming an issue.

Pat Galvez stated that the 10 bedrooms are missing from the bottom of the ordinance. He agrees that 10 bedrooms is a lot and turns it into a party house.

April Gates stated that her understanding is 10 occupants not 10 bedrooms. It should be clarified.

Darlene Pope stated that she has a great concern about this hearing with the explosion of the zone changes and short-term rentals. The citizens have expressed they do not want this, are we being heard? She stated that there is an ordinance that is to get rid of the short-term rentals, why are we doing this?

Lenny Brinkerhoff feels that we need to ask the commission as to why are we allowing short term rentals? This is not what the residents want. The renters do not care about this town, and they are noisy. She is very disappointed in the Town for even allowing short-term rentals. She does not like them.

Karen Brinkerhoff stated that she is against short-term rentals. She stated that so many of them do not follow the rules, she stated that we are constantly calling the cops. We can't even enforce what we have why are we allowing them in Virgin.

- D. Zone change: Long V-2-1-21-2102 Currently Rural Residential, to Commercial.

No public comment was made, A letter of support was submitted by Jeffery Herrick.

- E. Zone change: Jeff Lee (Quail Mesa subdivision) V-2-1-26-4421 Currently Rural Residential, to add STR Overlay.

Pat Galvez stated that the short-term rental overlay, he said there is an ordinance that is still pending. We need to rethink approving these things, we are low on water.

- F. Zone change: Justin Christensen (Zion Landing Subdivision) V-2139-B (Pocketville RD) Currently Rural Residential, to add STR Overlay.

Justin Christensen stated that he has not submitted his final plat yet as they are working on the sewer. Darlene Pope stated that we need water, electricity and sewer issues why are we even considering this? We are also low on electricity. Pat Galvez stated where do we draw the lines with short term rentals.

- G. Zone change: Lee V-2148-A-1-8-A & V-2143 Currently Rural Residential, to Highway Resort Zone.

Darlene Pope stated that we need water, electricity, and sewer issues. Why are we even considering this? Allen Lee stated this is a piece of our family property that a couple years ago this was already approved potential highway resort zone. He has had a couple of people approach him about wanting to sell and have some more business in the Town. Therefore, the zone change. Pat Galvez stated that only one lot out of the two touches the highway.

- H. Zone change: Cannon/Jordan V-77-A Currently Rural Residential, to add STR Overlay.

Darlene Pope stated that this is concerning as this is already in a family area. Why would we have this in the area? This is just more water hookups taking away from our count. Stan Burt says that the established neighborhood looks like it's going into a short-term rental. Paul Gooch stated that we are bringing a lot of people into the community that don't live here. It has the potential to ruin the quality of life for everyone who lives here. Pat Galvez stated that in VULU 60.02 under short term rentals: Are they necessary or desirable and should not be detrimental to the community.

5. MOTION to CLOSE the PUBLIC HEARING and OPEN the PUBLIC MEETING
Wyatt Lee motion Kent Peterson seconded All AYE / No NAY

6. PUBLIC MEETING

- A. Discussion and recommendation to approve or deny: An ordinance amending and restating sections 2.12, 2.20, 2.22, 16.20 and 16.22 of Virgins uniform land use (VULU) ordinances regulation enforcement of the provisions of this code

Sean Amodt stated that the Town Council has been reviewing this and this is an old process. We need to have a proper process and we should postpone this so we can work on this the best way we see fit. He personally does not like the way this has been written and thinks that this should be done through the zoning administrator. Cameron Spendlove stated that this is for a code enforcement officer and from his understanding was a desire to separate this away from the duties of the zoning administrator. Kent Peterson stated that he feels these stems from our exploding on development, He feels that Gene Garate has agreed to this, and he is overwhelmed, and we need someone to handle the complaints. He feels that the short-term rentals are taking over, and we need to have affordable housing. Bronwyn Wallace said we need to stick to the process with how we submit our ordinances to work on, Wyatt lee agrees with what Bronwyn stated.

Sean Amodt mode motion to postpone this item to our next work meeting agenda / Wyatt Lee seconded

Cameron Spendlove – NAY
Sean Amodt - AYE
Wyatt Lee - AYE
Kent Peterson - NAY
Bronwyn Wallace - AYE
Motion Pass (3/2 Vote)

- B. Discussion and recommendation to approve or deny: An ordinance Amending Chapter 16.22 Standards for conditions by use

Reason for change:

Commission discussed the changes to the definitions. Bronwyn Wallace stated that she has an issue with the short-term rental definition. Wyatt Lee stated that in chapter 2.12 the short-term rental section states an entire home can be occupied for less than 30 days. Cameron stated we can add Residential to the definition.

Cameron Spendlove made motion to include residential in front of dwelling unit. These would replace any existing definitions to short term rental / Sean Amodt Second

Cameron Spendlove - AYE
Sean Amodt - AYE
Wyatt Lee - AYE
Kent Peterson - AYE
Bronwyn Wallace - AYE
Motion Pass (5 Vote)

- C. Discussion and recommendation to approve or deny: An ordinance amending 40.08, 34.04, 32.06 of Virgins uniform land use (VULU) ordinances

Reason for change:

Cameron Spendlove stated that we only allow short-term rentals in new subdivisions with a short-term rental overlay and any short-term rentals are not operating legally. Commission discussed the changes. The language used is residential dwelling unit (Single family house). They talked about making it 5 bedrooms with two occupants per room.

Cameron Spendlove made motion to include changes as discussed: 10 bedrooms to 5 bedrooms and ensuring all the other ordinances follow / Wyatt Lee seconded

Cameron Spendlove - AYE
Sean Amodt - AYE
Wyatt Lee - AYE
Kent Peterson - AYE
Bronwyn Wallace - AYE
Motion Pass (5 Vote)

- D. Discussion and recommendation to approve or deny: Zone change: Long V-2-1-21-2102 Currently Rural Residential, to Commercial.

Cameron Spendlove stated that this was already approved with planning and zoning in the past it just didn't make it to the Town Council.

Sean Amodt Made motion to approve the zone change / Wyatt Lee seconded

Cameron Spendlove - AYE
Sean Amodt - AYE
Wyatt Lee - AYE
Kent Peterson - AYE

Bronwyn Wallace - AYE
Motion Pass (5 Vote)

- E. Discussion and recommendation to approve or deny: Zone change: Jeff Lee (Quail Mesa subdivision) V-2-1-26-4421 Currently Rural Residential, to add STR Overlay.

Sean Amodt stated are these subdivisions going to meet all the requirements in 60.08? Cameron Spendlove stated that he recommends we should move forward with any of the applications we have currently. But with the understanding with what the ordinances state. He stated that the Town Council needs to look at putting a moratorium on the short-term rental overlays so the planning commission can work on the ordinances. Kent Peterson stated that he read 60.02 C1, an owner may apply with the final plat subdivision. He went on to talk about how detrimental it is to allow a short-term rental. He feels that short-term rentals are squeezing us out. It's money from the outside coming in and feels that they don't care about the residents in Virgin or what it means to our community. They are doing this to make money. He stated that we need to look at the General Plan. Lenny Brinkerhoff wanted to know why they are requiring all of this for a zone change.

Sean Amodt Made motion to approve the zone change STR Overlay with the 4 points to be done with the final plat in section 60.02.C.3.cdf & 60.02.C.8.D & E / Wyatt Lee seconded

Cameron Spendlove - AYE
Sean Amodt - AYE
Wyatt Lee - AYE
Kent Peterson - NAY
Bronwyn Wallace - NAY
Motion Pass (3/2 Vote)

- F. Discussion and recommendation to approve or deny: Zone change: Justin Christensen (Zion Landing Subdivision) V-2139-B (Pocketville RD) Currently Rural Residential, to add STR Overlay. .

Justin Christensen stated that he has updated CCRs and has been back and forth with the Town. He also wanted to make note that the subdivision has 3 acres of open space across the street. The final plat is still working with the engineer and has talked with Gene Garate, and he feels there has been so much back and forth. He is trying to go off the current code and that's also been confusing. Kent Peterson wanted Justin to know he doesn't have an issue with the subdivision, he does have an issue with the short-term rental part.

Sean Amodt Made motion to approve the zone change STR overlay with the 4 points to be done with the final plat in section 60.02.C.3.cdf & 60.02.C.8.D & E / Cameron Spendlove seconded

Cameron Spendlove - AYE
Sean Amodt - AYE
Wyatt Lee - AYE
Kent Peterson - NAY
Bronwyn Wallace - NAY
Motion Pass (3/2 Vote)

- G. Discussion and recommendation to approve or deny: Zone change: Lee V-2148-A-1-8-A & V-2143 Currently Rural Residential, to Highway Resort Zone.

Bronwyn Wallace stated she doesn't have an issue with the lot that touches the highway. (V-2143) Allen Lee stated that there is no other highway resort zone left along the highway.

Kent Peterson made motion to approve zone change / Sean Amodt seconded

Cameron Spendlove - AYE

Sean Amodt - AYE

Wyatt Lee – Abstained – Has a conflict with this zone.

Kent Peterson - AYE

Bronwyn Wallace - NAY

Motion Pass (3-1 Vote)

- H. Discussion and recommendation to approve or deny: Zone change: Cannon/Jordan V-77-A Currently Rural Residential, to add STR Overlay.

Cameron Spendlove stated that Hal Cannon has lived in Virgin for quite some time and is a resident of Virgin.

Wyatt Lee stated that there is no subdivision with this, so he thinks this doesn't qualify to get a STR Overlay zone.

The Commission had a discussion, looking at the code for short term rental overlay. Wyatt Lee feels that we can't approve it because we don't have the items we need.

Bronwyn Wallace made motion to postpone this zone change January Meeting / Kent Peterson seconded

Cameron Spendlove - NAY

Sean Amodt - NAY

Wyatt Lee - NAY

Kent Peterson - AYE

Bronwyn Wallace - AYE

Motion Failed (3-2 Vote)

Wyatt Lee made a motion to approve with the applicant approval process are meet before it moves onto Town Council. 60.02.C.3 / Sean Amodt seconded

Cameron Spendlove - AYE

Sean Amodt - AYE

Wyatt Lee - AYE

Kent Peterson - NAY

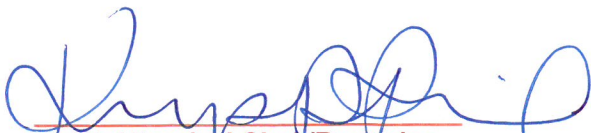
Bronwyn Wallace - NAY

Motion Pass (3-2 Vote)

7. ADJOURN PUBLIC MEETING: 9:43pm

Motion to Adjourn public meeting

Sean Amodt Motion to adjourn / Bronwyn Wallace seconded / ALL AYE/ No NAY



Krystal Percival Clerk/Recorder

1/11/2023
Approved Date